

Zoning Text Amendment No.: 18-09
Concerning: Landscape Contractors –
Rural Cluster Zone
Draft No. & Date: 2 – 7/11/2018
Introduced: July 17, 2018
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Hucker and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of landscape contractors;
- amend the provision for exempted lots, parcels, and buildings in the Rural Cluster zone as it affects landscape contractors; and
- generally amend the provisions for landscape contractors

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.5.	“Commercial Uses”
Section 3.5.5.	“Landscape Contractors”
Division 7.7.	“Exemptions and Nonconformities”
Section 7.7.1.	“Exemptions”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.5. Landscape Contractor

* * *

A. Defined

Landscape Contractor means the business of designing, installing, planting, or maintaining lawns, gardens, hardscapes, water features, outdoor structures, decorative features, stormwater and drainage features, or other [landscaping] activities intended to enhance the appearance or usefulness of outdoor areas [and]. Landscape Contractor also means providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. Landscape Contractor does not include Lawn Maintenance Service (see Section 3.5.14.G, Lawn Maintenance Service).

* * *

Sec. 2. DIVISION 59-7.7 is amended as follows:

DIVISION 7.7. Exemptions and Nonconformities

Section 7.7.1. Exemptions

* * *

D. Residential Lots and Parcels

* * *

8. Exempted Lots, Parcels, and Buildings in the Rural Cluster Zone

* * *

- c. Any parcel with an existing building on October 30, 2014 is exempt from the minimum lot area and frontage requirement.

Any existing building located on any lot or parcel on October 30, 2014 is exempt from the minimum side setbacks of the zone.

d. Any landscape contractor in the RC zone in operation on October 30, 2014 is a permitted use if it satisfies any master plan or zoning impervious surface limits and is not required to obtain a conditional use, unless:

i. the on-site operation as of October 30, 2014 is expanded or enlarged;

ii. the on-site operation is diversified to include retail facilities or related uses not in operation before October 30, 2014; or

iii. the operation is discontinued for a period of 6 months or more.

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council